

COASTAL CONSERVANCY

Staff Recommendation

April 27, 2006

**SAN FRANCISCO BAY TRAIL ACCESS PROJECT APPROVAL**

File No. 04-053-05

Project Manager: Joan Cardellino

**RECOMMENDED ACTION:** Authorization for the Association of Bay Area Governments (ABAG) to disburse previously authorized Conservancy funds for the Eden Landing Ecological Preserve Bay Trail segment.

**LOCATION:** Eden Landing, City of Hayward

**PROGRAM CATEGORY:** Public Access

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**EXHIBITS**

Exhibit 1: Project Location and Site Map

Exhibit 2: Final Environmental Impact Report

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the Association of Bay Area Governments (ABAG) to disburse an amount not to exceed one hundred sixty-three thousand five hundred eighty-eight dollars (\$163,588) of the total Conservancy funds authorized on September 15, 2004, to the East Bay Regional Park District (EBRPD) to construct 2.94 miles of Bay Trail along the Eden Landing Ecological Preserve as described in the accompanying staff recommendation.

This authorization is subject to the condition that:

Prior to the disbursement of funds, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget, a signage plan, and an agreement between ABAG and the East Bay Regional Park District for construction of the project.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed San Francisco Bay Trail project authorization is consistent with the purposes and objectives of Public Resources Code Sections 31160-31164, regarding the San Francisco Bay Area Conservancy Program, with Sections 31400-31409, regarding public access to the coast, and with the Conservancy’s September 15, 2004 action regarding implementation of the San Francisco Bay Trail.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed authorization will serve greater than local needs for public access to the shoreline.
4. The Conservancy has independently reviewed the Final Environmental Impact Report Eden Landing Ecological Reserve Restoration and Management Plan, adopted by the Department of Fish and Game, acting as lead agency, on April 20, 2000, attached to the accompanying staff recommendation as Exhibit 2; and finds that there is no substantial evidence that the Conservancy-funded public trail, parking lot and viewing platform will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

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**PROJECT SUMMARY:**

ABAG and the Bay Trail Project are requesting authorization to fund the construction of the Bay Trail along the Eden Landing Ecological Preserve using funds previously designated for San Francisco Bay Trail projects. On September 15, 2004 the Conservancy authorized a grant to ABAG for the development of individual Bay Trail projects, but required additional Conservancy authorization to implement any specific project that is not exempt from the California Environmental Quality Act (CEQA). Staff is recommending that the Conservancy now authorize the use of a portion of these funds for construction of the Eden Landing trail segment, and make the necessary CEQA findings for that project.

The EBRPD owns an easement through the Preserve and will construct and manage the trail. The trail segment will be 2.94 miles long and 10 feet wide, and will run along the perimeter of the Preserve. Included in the project are a 24-car parking lot and a 1,200 square foot viewing platform to provide views of the Eden Landing pond complex, part of the South Bay Salt Ponds restoration project.

In conjunction with the proposed Oliver Gap Bay Trail segment (to be constructed in 2007-8), this Eden Landing Bay Trail segment would extend the existing Bay Trail spine southward from Highway 92 and 9.3 miles of continuous Bay Trail spine extending from San Leandro to Union City. As a result, this project would connect all the communities along this stretch of Bay Trail while providing an alternative travel option for bicycle commuters and access to a unique area with restored bay wetlands and wildlife.

**Site Description:** The Eden Landing Ecological Preserve contains ponds formerly used for salt production. The pond complex is part of the South Bay Salt Ponds Restoration Project, and it

will be undergoing changes to create tidal wetlands and ponds for wildlife over the next few years.

**Project History:** In September 2004 the Conservancy approved a block grant of \$3.8 million to ABAG for project to further the San Francisco Bay Trail. Prior to that authorization, the Conservancy had approved two other block grants in 1999 and 2000, amounting to a total of \$10 million. Funds from those two previous block grants have now been completely expended, and this proposed project would be funded from the block grant approved in 2004.

**PROJECT FINANCING:**

Coastal Conservancy	\$163,588
EBRPD and Caltrans	<u>801,877</u>
<b>Total Project Cost</b>	<b>\$965,465</b>

The anticipated source of Conservancy funds is the “California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002” (Proposition 40.) These funds are available for all the purposes of Division 21 of the Public Resources Code, including the San Francisco Bay Conservancy Program.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

In its action of September 15, 2004 the Conservancy determined funding of the San Francisco Bay Trail to be consistent with both Chapters 4.5 and 9 of its enabling legislation, Division 21 of the Public Resources Code. The proposed authorization is consistent with that action and with specific provisions of Chapters 4.5 and 9.

With respect to the San Francisco Bay Area Conservancy Program, Section 31162(a) states in part that the Conservancy may undertake projects that will improve public access to and around the bay, through completion of regional trail systems. Consistent with Section 31163(c), the Eden Landing trail segment is supported by adopted local and regional plans; serves a regional constituency; can be implemented in a timely way; takes advantage of opportunities that would be lost if the project is not quickly implemented; and includes matching funds from other sources of funding or assistance.

In Public Resources Code Section 31400, the Legislature charged the Conservancy with a principal role in implementing a system of coastal public accessways to and along the California coast, including San Francisco Bay. In working with ABAG to fund construction of new elements of the San Francisco Bay Trail the Conservancy is fulfilling its responsibility to implement a regional trail system around the bay.

Section 31400.1 of the Public Resources Code allows the Conservancy to award grants to any local agency or for accessways that serve greater than local public needs. The proposed project, which is sponsored by a regional agency, will serve members of the public from all the communities located along that nearly-3-mile-long stretch of trail, as well as visitors from other parts of the Bay Area and beyond.

Section 31400.2 states that the Conservancy may provide up to the total cost of the initial development of public accessways by any public agency or nonprofit organization. By this authorization, Conservancy funds would be matched with over \$800,000 from other sources.

Under Section 31400.3, the Conservancy may provide such assistance as is required to aid public agencies and nonprofit organizations in establishing a system of public coastal accessways and related functions. These funds will be used for construction of a trail segment.

**CONSISTENCY WITH CONSERVANCY'S  
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 11, Objectives A and B**, the proposed project will provide an important recreational facility and increase public access to the Bay shoreline, add nearly 3 miles to the Bay Trail and help to complete a 9-mile segment of the trail along the East Bay shoreline.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The Bay Trail Project received letters of support for this project from the Alameda County Congestion Management Agency, Assemblymember John Klehs, State Senator Liz Figueroa, the Hayward Hiking Club, and the Rails to Trails Conservancy.
4. **Location:** This proposed project is located along the spine (or main) alignment of the Bay Trail.
5. **Need:** In addition to providing the majority of the funding for construction of the proposed project, the EBRPD will be responsible for maintaining the facilities. Without Conservancy assistance with the cost of construction, this important stretch of Bay Trail could not be built at this time.
6. **Greater-than-local interest:** The San Francisco Bay Trail is a regional trail system that will encompass San Francisco Bay when it is complete.

**Additional Criteria**

8. **Resolution of more than one issue:** By providing both a through trail route via the Bay Trail spine and a viewing platform, this project addresses the needs of both active and passive visitors to the Eden Landing Ecological Preserve. Balancing those types of competing uses is critically important in areas with sensitive habitat.
9. **Leverage:** See the "Project Financing" section above.

12. **Readiness:** The EBRPD is ready to go to construction in May.

13. **Realization of prior Conservancy goals:** “See “Project History” above.”

### **CONSISTENCY WITH SAN FRANCISCO BAY PLAN:**

Promoting public access opportunities along the Bay shoreline is consistent with San Francisco Bay Plan policies. Bay Plan Public Access Policy Number 8 states “Access to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare...” (San Francisco Bay Plan, Part IV: Development of the Bay Shoreline: Findings and Policies—Public Access, Policy No. 8) The proposed project will provide an important Bay Trail connection to a regional destination point.

### **COMPLIANCE WITH CEQA:**

The California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 *et seq.*, requires consideration of potential environmental effects of agency actions and approvals, unless exempt. A CEQA responsible agency considers potential environmental effects of project activities that the agency will approve. 14 California Code of Regulations Section 15096.

In August 1999 the California Department of Fish and Game, acting as lead agency for the project, circulated a Draft Environmental Impact Report for the Eden Landing Ecological Reserve Restoration and Management Plan. After responding to comments, adopting specific mitigation measures, and preparing a Mitigation Monitoring and Reporting Program, the Department of Fish and Game determined that the project would not have a significant effect on the environment and certified the Final EIR in April 2000 (Exhibit 2.)

For purposes of CEQA and as described in the EIR, the project involves restoration of 1,000 acres of inactive salt evaporation ponds to tidal marsh and managed seasonal wetlands, including dredging of tidal channels, construction and removal of levees, and installation of water control structures. Much of the identified work on the wetland restoration has now been done. An alignment for the Bay Trail is identified through the project site and impacts are assessed.

Conservancy staff has reviewed the FEIR and Mitigation Monitoring and Reporting Program. No significant adverse impacts from construction of the Bay Trail segment, viewing platform, or parking lot were identified. The trail will be constructed along an existing levee road, in already disturbed habitat, and will include fencing to prevent humans or pets from straying into the habitat areas. As a responsible agency, the Conservancy is responsible for mitigating or avoiding only the direct or indirect effects of those parts of a project that it decides to carry out, finance or approve (14 California Code of Regulations Section 15096(g)). Thus, environmental impacts and mitigation measures pertaining to the wetland restoration elements of the project, as described in the EIR and MMRP, need not be addressed by the Conservancy.

On the basis of the environmental documents provided, staff recommends that the Conservancy find that construction of the public access improvements authorized for Conservancy funding will not have a significant adverse impact on the environment. Upon approval, staff will file a Notice of Determination.